THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6663 of 2006

Dt.4.4.2006

Between:

Akula Shyamala Devi … Petitioner

And

State of Andhra Pradesh, rep. By its

Prl.Secretary, Municipal & Urban Development

Department, A.P.Secretariat, Hyderabad

And others.

…Respondents

ORDER:

The petitioner questions impugned proceedings bearing No.B.A.No.89/2005/G1, dt.14.12.2005 of the 3rd respondent Commissioner as illegal and arbitrary.

The case of the petitioner is that the petitioner is the owner and possessor of the land bearing Door No.5-29-10/11 situated at ward No.5, Block No.29 in Survey No.34/6 of Repalle Municipality, Guntur

District. It is stated that the 3rd respondent accorded permission in proceedings No.B.A.No.89/2005/G1, dt.30.8.2005 for construction of a residential building in the said premises. Thereafter, the 3rd respondent gave a show cause notice dt.2.12.2005 for cancellation of the said permission, for which the petitioner submitted her explanation on 8.12.2005 and after considering the explanation the building permission was cancelled by the impugned proceedings dated 14.12.2005 of the Commissioner, Repalle Municipality. It is stated that against the order of cancellation, appeal lies to the Repalle Municipal Council and accordingly the petitioner filed an appeal under Section 345 of the Andhra Pradesh Municipalities Act, 1965 to the 2nd respondent Municipal Council on 29.12.2005. But so far the 2nd respondent has not considered and disposed of the said appeal.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, the 2nd respondent is directed to consider and dispose of the appeal after giving reasonable opportunity to the petitioner within six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

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V.ESWARAIAH, J.

4.4.2006

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